REMARKS

Applicant has amended claims 1, 6, 11, 17, 18, 19, and 24, and respectfully requests reexamination and reconsideration under the provisions of 37 C.F.R. § 1.116(a).

Pending Claims

Claims 1-24 are pending in the application following entry of the amendment set forth above. All the amendments set forth above raise no new issues that would require further consideration and/or search. Applicant submits that these amendments would place the claims into condition for allowance, or at least present the rejected claims in better form for consideration on appeal, and should therefore be entered under 37 C.F.R. § 1.116(a).

Prior Art Rejections

The Examiner rejected claims 1, 6, 17-20, and 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,995,503 (Crawley) in view of U.S. Patent 5,968,176 (Nessett). Claims 1, 6, 11, 17, 18, 19, and 24 have been amended to define patentably over these references, and any combination thereof. In particular, applicant has amended claims to provide a server "adapted to process requests for QoS service and having a location that is independent of the communication path ..."

The Examiner states that Crawley discloses a network configuration "with multiple hosts and multiple routers connected as shown" in Fig. 1 where a host "establishes a communication path by requesting a QoS for data flow" (office action dated May 3, 2001, page 2). The Examiner further notes that "Crawley does not disclose a server ... having a location that is independent of the path."

The Examiner states, however, that Nessett provides this missing feature and in combination with Crawley, these references render applicant's claims unpatentable. In addition, the Examiner contends that the access servers 106 and 121 of Nessett are equivalent to applicant's recited server system, having a location which is independent of the communication path (office action, pages 3 and 5).

In order to validly combine prior art references for §103(a) obviousness rejections, the references themselves must suggest that they be combined. Here, there is no reason given to support the proposed combination of the references other than the statement that "it would have been obvious ... to use access server 121 as disclosed by Nessett into the QOS network as disclosed by Crawley to authorize users accessing network" (office action, page 3).

The mere fact that Nessett teaches an access server that allows access to users is not sufficient to conclude that the network configuration of Crawley would use or require such servers for QoS service. Even if applicant were to admit that Nessett's access servers are equivalent to applicant's server system, which applicant denies, there is nothing in Crawley suggesting the use of a server system (1) adapted to process requests for QoS service and (2) having a location independent of the communication path, with a server that functions to receive a session request, send a message, and monitor the routers, as recited in applicant's amended claims. Furthermore, there is nothing in these references that motivates or suggests the desirability of using such server systems in combination with the network configuration shown in Fig. 1 of Crawley. In short, there is no factual basis or reason given by either Crawley or Nessett to combine and arrive at applicant's amended claims.

However, even if the combination of Crawley and Nessett were justified, Nessett's access servers 121 and 106 are simply not equivalent to applicant's recited server system because applicant's server system is functionally distinct from Nessett's access servers. First, Nessett's access server 106, shown connected to a PSTN in Fig. 1, does not provide any functionality related to QoS service ("[t]he general situation is connection through the PSTN, which requires the use of Access Servers")(Nessett, col. 14, lines 59-61). In other words, Nessett states that the application of access server 106 is to directly connect to end systems to provide access to private intranets through a PSTN.

In addition, access server 106 serves to provide access to subscribers of ISP content "as well as the ISP's Internet connections" (Nessett, col. 15, lines 1-3). These functions, namely "line servicing and packet processing," Nessett continues, "are traditionally implemented within the same chassis" so when customers use these systems, the access server for line servicing is connected to the PSTN on one side and to a WAN on the other side and the access server for packet processing is connected on one side to a private intranet or ISP and to a WAN on the

other side (Nessett, col. 15, lines 6-20). Therefore, the access servers 106 or 121 provide no functionality related to QoS service, to which applicant's server system is directed to.

Furthermore, applicant's server system is patentably distinct from Nessett's access servers because access servers 106 and 121 do not have a location independent of the communication path. By the very example above provided in Nessett, for instance, the access server 106 must be part of the communication system. Otherwise, the intended functions of the access server 106 would simply not work.

Moreover, as previously pointed out by the applicant, in order to provide security service in the access servers, traditional firewall packet filtering is performed so that "all traffic transiting" the server is filtered (Nessett, col. 15, lines 66-67, col. 16, lines 1-5). Nessett elaborates that "the more advanced form of filtering establishes filtering rules that apply on a per connection basis... [and] when a user establishes a connection through an Access Server, a set of filtering rules specific to that user are drawn from a filtering database... [and] rules are then installed into the Access Server, which applies them only to traffic traveling over that connection" (Nessett, col. 16, lines 6-12).

This description shows that if the location of the access server 106 were independent of the communication path, filtering packets as suggested in this example would not be possible because there would be no traffic to filter. Thus, the access server 106 in Nessett is required by its own functionality to be an integral part of the communication path with which it connects. Accordingly, applicant submits that the amended claims are patentably distinct from Nessett because the access servers of Nessett are not shown to have a location independent of the communication path.

Accordingly, applicant respectfully submits that the rejection for obviousness based on Crawley and Nessett should not be applied for claims 1, 6, 11, 17, 18, 19, and 24, as newly amended. Claims 2-5 which depend on claim 1 should be allowed, at least for the reasons set forth above for claim 1. Claims 7-10 which depend on claim 6 should also be allowed, for the same reasons set forth above for claim 6. Claims 12-16 should be allowed for the reasons set forth for claim 11, and claims 20-23 should be allowed as they depend on claim 19.

In view of the foregoing remarks, all of the claims are now in condition for allowance, which action is requested.

Attached is a marked-up version of the changes being made by the present amendment.

If there are any additional fees not covered, or any credits, please apply them to Deposit Account No. 06-1050, referencing attorney docket no. 12128-027001.

Respectfully submitted,

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Version with markings to show changes made

In the claims:

Claims 1, 6, 11, 17, 18, 19, and 24 have been amended.

1. (Thrice Amended) A server system for establishing a communication path connecting an originating router to a destination router via other routers along the path, the server system adapted to process requests for QoS service and having a location that is independent of the communication path, comprising:

a server adapted to

receive a session request for establishing the communication path for transmitting information from the originating router to the destination router;

send a message to the originating router in response to the session request, the message including a request to reserve resources for transmitting the information; and

monitor the routers in the communication path to determine whether sufficient resources exist to establish the communication path in accordance with the session request.

6. (Thrice Amended) A method for establishing a communication path connecting an originating router to a destination router via other routers along the communication path, comprising:

receiving a session request at a server for establishing a communication path for transmitting information to the destination router, the server adapted to process requests for QoS service and having a location that is independent of the communication path;

sending a message to the originating router in the communication path in response to the session request, the message including a request to reserve resources for transmitting the information; and

monitoring the routers in the communication path to determine whether sufficient resources exist to establish the communication path in accordance with the session request.

11. (Thrice Amended) A network communication system for establishing a transmission path, comprising:

an originating router coupled to a host in a first local area network;

a destination router coupled to another host in a second local area network; and

a server adapted to process requests for QoS service and having a location that is independent of the transmission path, coupled to the originating router, for receiving a session setup request from the host, said server including:

a session setup module for sending a message to the originating router in response to the session setup request, the message including a request to reserve resources for transmitting traffic along the transmission path from the originating router via other routers to the destination router; and

a node server module for monitoring the routers along the transmission path to determine whether sufficient resources exist to establish the transmission path in accordance with the session setup request.

17. (Thrice Amended) A method for establishing a communication path connecting an originating router to a destination router via other routers along the communication path, comprising of:

receiving a session request at a server for establishing a communication path for transmitting information to the destination router, the server adapted to process requests for QoS service and having a location that is independent of the communication path;

sending a resource reservation request to a router in the communication path to reserve resources in accordance with the session request; and

monitoring the routers in the communication path to determine whether resources exist to establish the communication path.

18. (Thrice Amended) A computer program residing on a computer readable medium comprising instructions for causing a computer to:

receive a session request at a server for establishing a communication path from an originating router for transmitting information via other routers to a destination router, the server

adapted to process requests for QoS service and having a location that is independent of the communication path;

send a resource reservation request from the server to the originating router to reserve resources in accordance with the session request; and

monitor the routers in the communication path at the server to determine whether resources exist to establish the communication path.

19. (Twice Amended) A central server system comprising a QoS server connected to a series of routers, the server managing QoS matters for a session established along a communication path from an originating router via other routers to a destination router, the central server system adapted to process requests for QoS service and having a location that is independent of the communication path.

24. (Twice Amended) A server system for establishing a communication path connecting an originating router to a destination router via other routers along the communication path, the server system adapted to process requests for QoS service and having a location that is independent of the communication path, comprising:

a server adapted to

means for receiving a session request for establishing the communication path for transmitting information from the originating router to the destination router;

means for sending a message to the originating router in response to the session request, the message including a request to reserve resources for transmitting the information; and

means for monitoring the routers in the communication path to determine whether sufficient resources exist to establish the communication path in accordance with the session request.